

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

Jennifer Adams v. No. 3:12-cv-10114-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Jessica and Cheyenne Allen v. No. 3:11-cv-13141-DRH-PMF
Bayer Pharma AG, et al.

Kim Allen v. No. 3:12-cv-10251-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Brittany Bagnall v. No. 3:11-cv-13557-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Julie Baker v. No. 3:11-cv-13569-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Christina Berninger v. No. 3:12-cv-10064-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Emily Berry v. No. 3:12-cv-10118-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Courtney Bigel v. No. 3:11-cv-13405-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Rebecca Boren v. Bayer Corp., et al. No. 3:11-cv-13604-DRH-PMF

Tara and Michael Burns v. No. 3:12-cv-10065-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Katherine Campbell v. No. 3:12-cv-10161-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Jillian Carpenter v. No. 3:12-cv-10269-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Deborah Cobb v. No. 3:12-cv-10090-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Nicole Daigle v. No. 3:11-cv-13466-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Shelley Darby v. No. 3:11-cv-13302-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Christina DiPierro v. No. 3:12-cv-10062-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Jennifer Dombrowski v. No. 3:11-cv-13556-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Christine Dorries v. Bayer Corp., et al. No. 3:11-cv-12629-DRH-PMF

Tunisia Fitch v. No. 3:12-cv-10038-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Ana Gadsby v. No. 3:11-cv-13562-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Anissa Gallifent v. No. 3:12-cv-10155-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Kimberly and John Hasenberg v. No. 3:11-cv-13305-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Elizabeth Howard v. No. 3:11-cv-13576-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Jolene Jaquez v. No. 3:11-cv-13422-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Cheryl Kan v. No. 3:11-cv-13419-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Rebecca Kinsey v. No. 3:11-cv-13463-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Karen Kirk v. No. 3:12-cv-10115-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Melissa Laws v. No. 3:11-cv-13464-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.
Amber Melvin v. No. 3:11-cv-13312-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Amanda Montgomery v. No. 3:11-cv-13577-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Deshinae Petetant v. No. 3:11-cv-13432-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Sonya and Martin Porges v. No. 3:11-cv-13303-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Caurie Putnam v. No. 3:12-cv-10117-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Carole Reed v. No. 3:11-cv-13496-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Chantelle Sawyer v. No. 3:12-cv-10036-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Lisa Shortridge v. No. 3:12-cv-10043-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Ashley Trejo v. No. 3:12-cv-10057-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Debra Ward v. No. 3:12-cv-10041-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Chiquita Warren v. No. 3:11-cv-13306-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Whitney Wauters v. No. 3:11-cv-13618-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Kate Wilson v. No. 3:11-cv-13313-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

ORDER DISMISSING WITH PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the plaintiffs' claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

On September 25, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations.¹ The Court granted the motion on November 2, 2012.²

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, "pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants' motion.**"

¹ Adams D.E. 6; J. Allen D.E. 6; K. Allen D.E. 6; Bagnall D.E. 6; Baker D.E. 8; Berninger D.E. 6; Berry D.E. 6; Bigel D.E. 9; Boren D.E. 15; Burns D.E. 6; Campbell D.E. 8; Carpenter D.E. 8; Cobb D.E. 6; Daigle D.E. 6; Darby D.E. 6; DiPierro D.E. 6; Dombrowski D.E. 6; Dorries D.E. 11; Fitch D.E. 6; Gadsby D.E. 6; Gallifent D.E. 8; Hasenberg D.E. 6; Howard D.E. 9; Jaquez D.E. 8; Kan D.E. 6; Kinsey D.E. 6; Kirk D.E. 6; Laws D.E. 6; Melvin D.E. 6; Montgomery D.E. 8; Petetant D.E. 6; Porges D.E. 6; Putnam D.E. 6; Reed D.E. 6; Sawyer D.E. 6; Shortridge D.E. 6; Trejo D.E. 6; Ward D.E. 6; Warren D.E. 6; Wauters D.E. 6; Wilson D.E. 6.

² Adams D.E. 7; J. Allen D.E. 7; K. Allen D.E. 7; Bagnall D.E. 7; Baker D.E. 9; Berninger D.E. 7; Berry D.E. 7; Bigel D.E. 10; Boren D.E. 16; Burns D.E. 7; Campbell D.E. 9; Carpenter D.E. 9; Cobb D.E. 7; Daigle D.E. 7; Darby D.E. 7; DiPierro D.E. 7; Dombrowski D.E. 7; Dorries D.E. 12; Fitch D.E. 7; Gadsby D.E. 7; Gallifent D.E. 9; Hasenberg D.E. 7; Howard D.E. 10; Jaquez D.E. 9; Kan D.E. 7; Kinsey D.E. 7; Kirk D.E. 7; Laws D.E. 7; Melvin D.E. 7; Montgomery D.E. 9; Petetant D.E. 7; Porges D.E. 7; Putnam D.E. 7; Reed D.E. 7; Sawyer D.E. 7; Shortridge D.E. 7; Trejo D.E. 7; Ward D.E. 7; Warren D.E. 7; Wauters D.E. 7; Wilson D.E. 7.

On April 1, 2013, more than a year after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the without prejudice dismissals to with prejudice dismissals pursuant to Section E of CMO 12,

To date, none of the above captioned plaintiffs have taken any steps to cure their PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiffs have had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **the plaintiffs' complaints are hereby dismissed WITH prejudice.**

Further, the Court **DIRECTS** the Clerk of the **Court to enter judgment reflecting the same.**

SO ORDERED:

 David R. Herndon
2013.06.24
13:43:34 -05'00'

Chief Judge
United States District Court

Date: June 24, 2013